

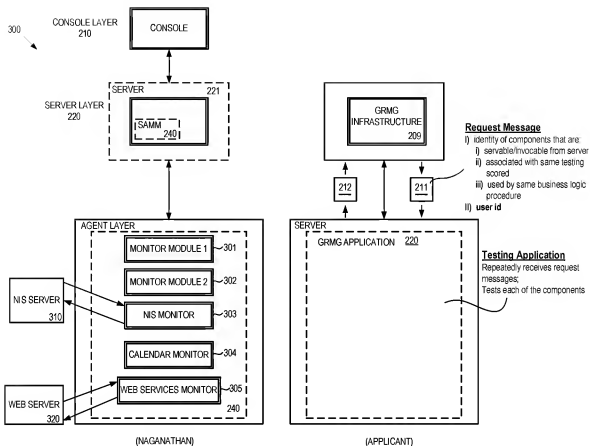
COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on June 26, 2008. At the time the Examiner mailed the Office Action claims 1-8, 10-18, 20-28 and 30 were pending. By way of the present response the Applicant has: 1) amended claim 11; and, 2) not canceled or added any claims. As such claims 1-8, 10-18, 20-28 and 30 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-8, 10-18, 20-28 and 30.

The Examiner has objected to various typographical mistakes in the Applicant's specification. The Applicant has made an effort to correct these mistakes and respectfully submits that the basis for the Examiner's rejection has been overcome.

The Examiner has rejected independent claim 11 for purportedly covering signal wave energy. The Applicant has herewith amended independent claim 11 to recite a "machine readable storage medium". The Applicant respectfully submits that the basis for the Examiner's rejection has been overcome by way of this amendment.

The Examiner has rejected the Applicant's independent claims as being anticipated by the Naganathan reference. The applicant believes the below diagram suitably compares the teachings of the Naganathan reference against the present application.



The Applicant's approach includes a **GRMG infrastructure 209** that repeatedly sends request messages 211 to a GRMG application 220. The repeatedly sent request messages 211 contain the identity of software components that are: 1) servable and/or invocable by the server that the testing application runs on; 2) associated with the same testing scenario; 3) used by a same business logic process within an information systems (IS) infrastructure. The repeatedly sent request messages 211 also include a userid for a login procedure applied against one of the software components.

The GRMG application 220, in response to its receipt of these messages 211, tests the software components identified in the messages 211 for availability (as such the GRMG application 220 can be referred to as a "testing application" because it is a software program that tests other software programs/components). At least one of the components is invoked through a login procedure that uses the userid contained in the messages 211. The GRMG

application 220 also sends corresponding response messages 212 back to the GRMG infrastructure 209 to report on the availability of the software components.

The Applicant respectfully submits that Naganathan fails to disclose at least the items emphasized above. The above depiction of Naganathan is a simple merger of the content of Figures 2 and 3 of Naganathan. Notably, the portion of SAMM 240 that resides on Naganathan's server 221/"server layer" is most comparable to the Applicant's GRMG infrastructure 209 and the portion of SAMM 240 that resides on Naganathan's "agent layer" is most comparable to the Applicant's GRMG "testing" application 220. Like the Applicant's GRMG infrastructure 209

The portion of SAMM 240 that resides on Naganathan's server layer appears to be like the Applicant's GRMG infrastructure 211 in that it performs some kind of centralizing control function. See, e.g., Naganathan paras. [0033] through [0035]. The portion of SAMM 240 that resides on Naganathan's agent layer appears to be a testing application as it contains monitor modules and monitors 301 - 305 for testing the availability of (presumably software controlled) services. See, Naganathan, paras. [0039] and [0044].

However, Naganathan appears to provide no information about the content of the messages that are passed between the server layer and the agent layer. As a consequence, Naganathan fails to disclose sufficient information to meet the claim elements directed to the messages 211 sent to the testing application. Specifically, Naganathan at least fails to disclose that messages are repeatedly sent from the server layer to the agent layer. Moreover, Naganathan fails to disclose the presence of a userid within messages sent from the server layer to the agent layer (for use by the recipient testing application to test a component of software's availability).

The Examiner cites the "synthetic transactions" referred to in paragraphs [0012], [0013] and [0044] of Naganathan as meeting the repeated sending of messages to a testing application. See, Examiner's Office Action mailed 6/26/08, p. 5. However, the synthetic transactions of Naganathan are not sent to a testing application. These are "dummy transactions" that are sent directly to the software/services whose availability is being tested - not a testing application as the Applicant's claims recite. Said another way, the

synthetic/dummy transactions of Naganathan are sent **from** a testing application not **to** a testing application.

Paragraph [0044] of Naganathan makes clear that the synthetic/dummy transactions being referred to in paragraphs [0012], [0013] and [0040] of Naganathan are sent from synthetic modules that are part of the agent layer not the server layer. Therefore, again, Naganathan does not disclose the repeated sending of messages to a testing application. The Applicant's drawing above shows how the repeated messages of Naganathan fail to meet or "line up with" the repeated messages of the Applicant's approach. That is, for example, paragraph [0044] of Naganathan indicates that repeated messages are sent from NIS monitor 303 to NIS server 310 and/or from Web services monitor 305 to web server 320.

Moreover, the Examiner cites paragraph [0034] of Naganathan as disclosing the presence of the login userid within the message. Paragraph [0034] of Naganathan merely states the server layer of Naganathan performs security services. Combining a userid and the identity of software components to be tested within a single message that is sent to a testing application is simply not disclosed in paragraph [0034] or anywhere else within Naganathan. Therefore Naganathan fails to anticipate the Applicant's independent claim elements.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9-26-08/

/Robert B. O'Rourke/

Robert B. O'Rourke

Reg. No. 46,972

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300